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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Rules of procedure*

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Part one
General rules

I. Sessions

Rule 1
Meetings of the Committee

1. The Committee on the Rights of Persons with Disabilities shall hold meetings as required for the effective performance of its functions in accordance with the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto.

2. The meetings of the Committee shall be guided by the principles of inclusion and accessibility as reflected in article 3 of the Convention.

3. The Secretary-General shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the Convention and the Optional Protocol thereto, and shall convene its initial meeting.

Rule 2
Sessions

1. The Committee shall hold at least two regular sessions per year.

2. Sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General, taking into account the calendar of conferences as approved by the General Assembly.

Rule 3
Place of sessions

Sessions of the Committee shall normally be held at the United Nations Office at Geneva. Another place for a session may be designated by the Committee in consultation with the Secretary-General, taking into account the relevant rules of the United Nations on the subject.

Rule 4
Special sessions of the Committee

1. Special sessions of the Committee shall be convened by decision of the Committee. When the Committee is not in session, the Chair may convene special sessions of the Committee in consultation with the other officers of the Committee. The Chair of the Committee shall also convene special sessions:

(a) At the request of a majority of the members of the Committee;

(b) At the request of a State party to the Convention.

2. Special sessions shall be convened as soon as possible at a date fixed by the Chair, in consultation with the Secretary-General and with the other officers of the Committee, taking into account the calendar of conferences as approved by the General Assembly.

Rule 5
Pre-sessional working group

1. A pre-sessional working group, which shall consist of no more than five members of the Committee designated by the Chair in consultation with the Committee at a regular session, and reflecting equitable geographical representation, shall normally be convened prior to each regular session.

2. The pre-sessional working group shall formulate a list of issues and questions on substantive issues arising from reports submitted by States parties in accordance with article 35 of the Convention and submit that list of issues and questions to the State party concerned.

Rule 6
Notification of opening date of sessions

The Secretary-General shall notify the members of the Committee of the date and place of the first meeting of each session as early as possible. Such notification shall be sent at least six weeks in advance.

Rule 7
Accessibility

1. The use of sign languages, Braille and tactile, plain-language, augmentative and alternative communication and other accessible methods of communication of their choice by persons with disabilities shall be facilitated, including with the assistance of support providers, in respect of activities related to the Committee.

2. The participation in meetings of personal assistants of the Committee members who will facilitate access by members to information, including in private meetings of the Committee, shall be permitted.

3. In order to ensure that all Committee members can take part in the work on an equal basis, it is necessary to guarantee:

(a) Access to information for Committee members requiring accessible formats in the same timely manner as those Committee members not requiring any;

(b) Accessibility of the web page of the Office of the United Nations High Commissioner for Human Rights to persons with disabilities.

4. Meetings and sessions, both public and private, should be held in premises that provide full accessibility (physical, as well as communication and information accessibility). This includes the provision of accessible toilets, specific devices for access to information and communication, such as scanners, Braille printers, subtitles and hearing loops, and any other general accessibility provisions.

II. Agenda

Rule 8
Provisional agenda

The provisional agenda for each regular session shall be prepared by the Secretary-General in consultation with the Chair of the Committee, in conformity with the relevant provisions of the Convention, and shall include:

(a) Any item decided upon by the Committee at a previous session;

(b) Any item proposed by the Chair of the Committee;

(c) Any item proposed by a member of the Committee;

(d) Any item proposed by a State party to the Convention;

(e) Any item proposed by the Secretary-General relating to her or his functions under the Convention or the present rules.

Rule 9
Adoption of the agenda

The first item on the provisional agenda for any session shall be the adoption of the agenda, except for the election of the officers when required under rule 20 of the present rules of procedure, in which case the elections shall be the first item on the provisional agenda, unless otherwise decided by the Committee.

Rule 10
Revision of the agenda

During a session, the Committee may revise the agenda and may, as appropriate, add, defer or delete items.

Rule 11
Transmission of the provisional agenda

1. The provisional agenda shall be transmitted to the members of the Committee by the Secretary-General at the time of the notification of the opening of a session, that is, at least six weeks before the session.

2. The provisional agenda shall be transmitted to members of the Committee in accessible formats.

III. Members of the Committee

Rule 12
Term of office

1. The term of office of members of the Committee shall begin on 1 January of the year after their election and, in accordance with article 34 (7) of the Convention, shall expire on 31 December four years later, except for those members elected at the first election and the first election following the entry into force of the Convention for the eighty-first State party who were chosen by lot to serve for two years, whose terms shall expire on 31 December two years after their election.

2. Members shall be eligible for re-election once.

Rule 13
Filling of casual vacancies

In accordance with article 34 (9) of the Convention, if a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State party that nominated the member shall appoint another expert possessing the qualifications and meeting the requirements of the relevant provisions of the Convention to serve for the remainder of the member's term.

Rule 14
Solemn declaration

Upon assuming her or his duties, each member of the Committee shall make the following solemn declaration in open Committee: "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Rights of Persons with Disabilities honourably, faithfully, impartially and conscientiously."

IV. Officers

Rule 15
Elections

The Committee shall elect from among its members a Chair, three Vice-Chairs and a Rapporteur; those officers together shall constitute the Bureau of the Committee, which shall meet regularly.

Rule 16
Conduct of elections

1. Where there is only one candidate for election as one of its officers, the Committee may decide to elect that person by acclamation.

2. Where there are two or more candidates for election as one of its officers, or where the Committee otherwise decides to proceed with a ballot, the person who obtains a simple majority of the votes cast shall be elected.

3. If no single candidate receives a majority of the votes cast, the members of the Committee shall endeavour to reach a consensus before holding a further ballot.

4. Elections shall be conducted by secret ballot.

Rule 17
Term of office

1. The officers of the Committee shall be elected for a term of two years and be eligible for re-election provided that the principle of rotation is upheld.

2. No officer of the Committee may hold office if she or he ceases to be a member of the Committee.

Rule 18
Position of the Chair in relation to the Committee

1. The Chair shall perform the functions conferred upon her or him by the Convention and the Optional Protocol thereto and by the present rules of procedure.

2. In exercising her or his functions, the Chair shall remain under the authority of the Committee.

Rule 19
Acting Chair

1. If, during a session, the Chair is unable to be present at a meeting or any part thereof, she or he shall designate a Vice-Chair to act in her or his place. In the absence of such a designation, another member of the Bureau will act as Chair in his or her place.

2. Any member serving as Acting Chair shall have the same powers and duties as the Chair.

Rule 20
Replacement of officers

If any of the officers of the Committee ceases to serve, or declares her or his unavailability to continue serving, as an officer of the Committee, a new officer shall be elected for the unexpired term of her or his predecessor.

V. Secretariat

Rule 21
Statements

The Secretary-General or her or his representative shall be present at all sessions of the Committee. The Secretary-General or her or his representative may make oral or written statements at those meetings.

Rule 22
Financial implications of proposals

Before any proposal which involves expenditures is approved by the Committee, the Secretary-General shall prepare and circulate to its members, as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chair to draw the attention of the members to that estimate and to invite discussion on it when the proposal is considered by the Committee.

Rule 23
Secretariat

1. At the request or by decision of the Committee and subject to approval by the General Assembly:

(a) The secretariat of the Committee and of such subsidiary bodies established by the Committee shall be provided by the Secretary-General;

(b) The Secretary-General shall provide the Committee with the necessary staff and facilities for the effective performance of its functions under the Convention and the Optional Protocol thereto;

(c) The Secretary-General shall be responsible for all necessary arrangements to guarantee accessibility, as provided for in rule 7 of the present rules of procedure, for meetings of the Committee and its subsidiary bodies.

2. The Secretary-General shall be responsible for informing the members of the Committee without delay of any questions that may be brought before it for consideration or of any other developments that may be of relevance to the Committee.

VI. Communication and languages

Rule 24
Methods of communication

The methods of communication used by the Committee will include: languages, display of text, Braille, tactile communication, large print and accessible multimedia, as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible formats that may become available in the future through advances made in information and communication technology. The Committee will adopt its standard list of accessible formats of communication.

Rule 25
Types of language

1. The languages used by the Committee will include spoken and non-spoken languages, such as sign languages. The Committee will adopt a standard list of types of languages, in accordance with the communication needs of the Committee.

2. A member of the Committee or a participant in a public meeting of the Committee may address the Committee and/or public meeting in any of the modes, means and formats of communication specified under rule 24 of the present rules of procedure.

Rule 26
Official languages

1. Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Committee.

2. All formal decisions of the Committee shall be issued in the official languages and in accessible formats.

Rule 27
Records

1. The Secretary-General shall provide the Committee with summary records of its meetings, which shall be made available to the members in the official languages and in accessible formats.

2. Summary records are subject to corrections, to be submitted to the secretariat by participants in the meetings in the languages in which the summary record is issued. Corrections to the records of the meetings shall be consolidated in a single corrigendum to be issued shortly after the end of the session concerned.

3. The summary records of public meetings shall be documents for general distribution unless, in exceptional circumstances, the Committee decides otherwise.

4. Sound recordings of the meetings of the Committee shall be made and kept in accordance with the usual practice of the United Nations, and in accessible formats.

Rule 28
Days of general discussion

In order to enhance a deeper understanding of the content and implications of the Convention, the Committee may devote one or more meetings of its regular sessions to a general discussion on one specific article of the Convention or related subject.

VII. Public and private meetings

Rule 29
Public and private meetings

The meetings of the Committee and its working groups shall be held in public, unless the Committee decides otherwise or it ensues from the relevant provisions of the Convention or the Optional Protocol thereto that the meetings should be held in private.

Rule 30
Participation in meetings

1. In conformity with article 38 of the Convention, representatives of specialized agencies and other United Nations organs may be represented at the consideration of the implementation of such provisions of the Convention as fall within the scope of their mandate. Representatives of the specialized agencies and other United Nations organs may participate in private meetings of the Committee or its subsidiary bodies, when invited by the Committee to do so.

2. Representatives of other competent bodies concerned, which are not included among those referred to in paragraph 1 of the present rule, may participate in public or private meetings of the Committee or its subsidiary bodies, when invited by the Committee to do so.

3. The Committee may invite specialized agencies and organs of the United Nations, as well as intergovernmental organizations, national human rights institutions (particularly national monitoring bodies established under articles 16 (3) and 33 (2) of the Convention), non-governmental organizations, including those that represent persons with disabilities, and other bodies or individual experts to submit, for consideration by the Committee, written information on such matters dealt with in the Convention as fall within the scope of their activities.

4. The guidelines on the participation of disabled persons' organizations and civil society organizations in the work of the Committee (see CRPD/C/11/2, annex II) and the guidelines on independent monitoring frameworks and their participation in the work of the Committee (see annex) as well as their amendments and revisions, are integral parts of the Committee's rules of procedure.

VIII. Distribution of reports and other official documents of the Committee

Rule 31
Distribution of official documents

1. Documents of the Committee, including reports and information submitted by States parties pursuant to articles 35 and 36 of the Convention and provided to the Committee by the specialized agencies, other United Nations organs and other competent bodies pursuant to article 38 (a) of the Convention, shall be documents for general distribution, unless the Committee decides otherwise.

2. All documents of the Committee shall be made available in accessible formats.

IX. Conduct of business

Rule 32
Quorum

Eight members of the Committee shall constitute a quorum for the adoption of formal decisions. When the Committee reaches 18 members, in accordance with article 34 (8) of the Convention, 12 members shall constitute a quorum.

Rule 33
Powers of the Chair

1. In addition to exercising the powers conferred upon the Chair by the Convention and elsewhere by the present rules, the Chair shall declare the opening and closing of each session of the Committee, direct the discussion, ensure observance of the present rules, and accord the right to speak, put questions to the vote and announce decisions.

2. The Chair, subject to the present rules, shall have control of the proceedings of the Committee and over the maintenance of order at its meetings.

3. In the course of the discussion on an item, the Chair may propose to the Committee a limitation on the time to be allowed to speakers and on the number of times each person may speak on any question, and the closure of the list of speakers.

4. The Chair shall rule on points of order.

5. The Chair may also propose adjournment or closure of the debate or adjournment or suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chair may call a speaker to order if her or his remarks are not relevant to the subject under discussion.

X. Decisions

Rule 34
Adoption of decisions

1. The Committee shall attempt to reach its decisions by consensus. If consensus cannot be reached, decisions shall be put to a vote.

2. Bearing in mind paragraph 1 above, the Chair at any meeting may, and at the request of any member shall, put the proposal to a vote.

Rule 35
Voting rights

1. Each member of the Committee shall have one vote.

2. Any proposal or motion put to the vote shall be adopted by the Committee if it has the support of a simple majority of the members present and voting. For the purpose of the present rules, "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.

Rule 36
Equally divided votes

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

Rule 37
Method of voting

Unless otherwise decided by the Committee, the Committee shall vote by a roll-call, which shall be taken in the English alphabetical order of the names of the members of the Committee, beginning with the member whose name is drawn by lot by the Chair.

XI. Reports of the Committee

Rule 38
Reports to the General Assembly and the Economic and Social Council

The Committee shall submit to the General Assembly and to the Economic and Social Council, every two years, reports on its activities under the Convention.

Rule 38 bis
Sessional reports

The Committee's sessional reports shall contain, inter alia, a description of the activities carried out by the Committee during its regular sessions, special sessions (if applicable) and pre-sessional working group sessions during the period covered by the report. They should cover all activities carried out by the Committee in discharging its functions under the Convention, the Optional Protocol, its rules of procedure and its methods of work. The sessional reports should also include information about the activities carried out by working groups, rapporteurs and focal points of the Committee, a list of the decisions adopted by the Committee and the status of the reports submitted to the Committee. The Committee may postpone the adoption of a sessional report to the following session, as a measure of reasonable accommodation, if the circumstances so require.

Part two
Functions of the Committee

XII. Reports and information under articles 35 and 36 of the Convention

Rule 39
Reports of States parties

The Committee shall develop guidelines on the content of the reports of States parties required under article 35 of the Convention.

Rule 40
Non-submission of reports

1. At each session, the Secretary-General shall notify the Committee in writing of all cases of non-submission of reports or additional information under articles 35 and 36 of the Convention. In such cases, the Committee shall transmit to the State party concerned,

through the Secretary-General, a reminder concerning the submission of such report or additional information and undertake any other efforts in a spirit of dialogue between the State concerned and the Committee.

2. If a State party is significantly overdue in the submission of a report, the Committee may, pursuant to article 36 (2) of the Convention, notify the State party concerned of the need to examine the implementation of the present Convention in that State party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State party concerned to participate in such examination. Should the State party respond by submitting the relevant report, the provisions of articles 35 and 36 (1) of the Convention shall apply.

3. If, even after the reminder and other efforts referred to in the present rule, the State party does not submit the required report or additional information, the Committee shall consider the situation as it deems necessary and shall include a reference to that effect in its report to the General Assembly.

Rule 41
Notification to reporting States parties

The Committee, through the Secretary-General, shall notify the States parties in writing, as early as possible, of the opening date, duration and place of the session at which their respective reports will be examined. Representatives of the States parties shall be invited to attend the meetings of the Committee when their reports are examined. The Committee may also inform a State party from which it decides to seek additional information that the State party may authorize its representative to be present at a specific meeting; such a representative should be able to answer questions which may be put to her or him by the Committee and make statements on reports already submitted by her or his State, and may also submit further information from her or his State.

Rule 42
Consideration of reports

1. The Committee shall consider reports submitted by States parties under article 35 of the Convention, in accordance with the procedure set out in article 36 of the Convention.

2. The Committee may make such suggestions and general recommendations on the report of a State party as it may consider appropriate and shall forward those to the State party concerned.

3. The Committee may adopt more detailed reporting guidelines relating to the submission and consideration of reports submitted by States parties under the Convention, including with respect to further information it requests from States parties relevant to the implementation of the Convention.

Rule 43
Inability of a member to take part in the examination of a report

1. A member shall not participate in any part of the consideration of a report submitted by a State party of which she or he is a national.

2. Notwithstanding any conflict of interest, pursuant to the guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines), members who are citizens of a regional integration organization that is party to the Convention shall not be appointed party rapporteur, but shall participate in the consideration of the report of the regional integration organization.

3. Any question which may arise under this rule shall be decided by the Committee without the participation of the member concerned.

Rule 44
Request for additional reports or information

The Committee may request any State party to furnish an additional report or additional information pursuant to article 36 of the Convention, indicating the time limit within which such additional report or information should be supplied.

Rule 45
Transmission of States parties' reports that contain a request or indicate a need for technical advice or assistance

1. The Committee shall transmit, pursuant to article 36 (5) of the Convention, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, including non-governmental organizations, reports from States parties in order to address a request or indication of a need for technical advice or assistance contained therein.

2. The reports and information received from States parties in accordance with paragraph 1 of the present rule shall be transmitted along with observations and recommendations, if any, of the Committee on these requests or indications.

3. The Committee may request, when it considers it appropriate to do so, information on the technical advice or assistance provided and the progress achieved.

Rule 46
General recommendations

1. The Committee may make other general recommendations based on information received pursuant to articles 35 and 36 of the Convention.

2. The Committee shall include such other general recommendations in its reports to the General Assembly.

Rule 47
General comments and reporting obligations

1. The Committee may prepare general comments based on the articles and provisions of the Convention, with a view to promoting its further implementation and assisting States parties in fulfilling their reporting obligations.

2. The Committee shall include such general comments in its report to the General Assembly.

Rule 48
Cooperation between States parties and the Committee

The Committee shall, pursuant to articles 4 (3), 33 (3) and 37 of the Convention, advise and assist States parties, when necessary, in ways and means of enhancing national capacities for the implementation of the Convention, and make recommendations and observations with a view to strengthening the capacity and the mandate of the national implementing and monitoring mechanisms.

Rule 48 bis
List of issues on initial and periodic reports submitted by States parties

The Committee will formulate in advance a list of issues in relation to initial reports submitted by States parties. It will also formulate in advance a list of issues in relation to periodic reports submitted by States that have not opted for the simplified reporting procedure. The Committee will set a limit on the number of questions posed and will focus its questions on areas that are considered priority issues. States parties will be requested to provide brief and precise replies in no more than 30 pages.

Rule 48 ter
Simplified reporting procedure

The Committee shall offer to States parties the possibility of submitting their periodic reports under a simplified reporting procedure. Under that procedure, the Committee will proceed to establish a list of issues for the attention of States parties at least one year prior to the date by which the State party's periodic report or combined periodic reports are due. The replies of the State party to that list of issues would be considered to be the periodic report or the combined periodic report of the State party. The Committee will set a limit on the number of questions included therein.

XIII. Participation of specialized agencies and bodies of the United Nations and other competent bodies in the work of the Committee

Rule 49
Participation of specialized agencies and bodies of the United Nations

1. In conformity with article 38 (a) of the Convention, the specialized agencies and other United Nations organs may be represented at the consideration of the implementation of such provisions of the Convention as fall within the scope of their mandate. The Committee may permit representatives of the specialized agencies and other United Nations organs to make oral or written statements to the Committee and to provide information appropriate and relevant to the Committee's activities under the Convention.

2. In accordance with article 38 (a) the Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities. The Committee may also invite the specialized agencies to provide expert advice on the implementation of the Convention in areas falling within the scope of their activities.

Rule 50
Intergovernmental organizations and regional integration organizations

Representatives of intergovernmental organizations and regional integration organizations may be invited by the Committee to make oral or written statements and provide information or documentation in areas relevant to the Committee's activities under the Convention to meetings of the Committee.

Rule 51
National human rights institutions

Representatives of national human rights institutions may be invited by the Committee to make oral or written statements and provide information or documentation in areas relevant to the Committee's activities under the Convention to meetings of the Committee.

Rule 52
Non-governmental organizations

Non-governmental organizations may be invited by the Committee to make oral or written statements and provide information or documentation relevant to the Committee's activities under the Convention to meetings of the Committee.

Rule 53
Cooperation with bodies instituted by international human rights treaties

The Committee, as it discharges its mandate, shall consult, as appropriate, pursuant to article 38 (b) of the Convention, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

Rule 54
Establishment of subsidiary bodies

1. The Committee may set up ad hoc subsidiary bodies and will define their composition and mandates.

2. Each subsidiary body shall elect its own officers and will, mutatis mutandis, apply the present rules of procedure.

XIV. Procedure for the consideration of communications received under the Optional Protocol

A. Transmission of communications to the Committee

Rule 55
Transmission of communications to the Committee

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, communications which are or appear to be submitted for consideration by the Committee under article 1 of the Optional Protocol.

2. The Secretary-General may request clarification from the author or authors of a communication as to whether they wish to have the communication submitted to the Committee for consideration under the Optional Protocol. Where there is doubt as to the intent of the author or authors, the Secretary-General shall bring the communication to the attention of the Committee.

3. The Committee may receive communications in alternative formats, in accordance with rule 24 of the present rules of procedure.

4. No communication shall be received by the Committee if it concerns a State which is not a party to the Optional Protocol.

Rule 56
Registration of communications

1. The Secretary-General shall maintain a permanent record of all communications submitted for consideration by the Committee under article 1 of the Optional Protocol.

2. The full text of any communication brought to the attention of the Committee that fulfils all preliminary criteria for its registration shall be made available in the language of submission to any member of the Committee upon request by that member.

Rule 57
Request for clarification of additional information

1. The Secretary-General may request clarification from the author of a communication concerning the applicability of the Optional Protocol to the communication including:

(a) The victim's/author's identity, such as name, address, date of birth and occupation, or other forms of identifying details/data thereof;

(b) The name of the State party against which the communication is directed;

(c) The object of the communication;

(d) The provision or provisions of the Convention alleged to have been violated;

(e) The facts of the claim;

(f) Steps taken by the author and/or alleged victim to exhaust domestic remedies;

(g) The extent to which the same matter is being examined under another procedure of international investigation or settlement.

2. When requesting clarification or information, the Secretary-General shall indicate to the author and authors of the communication a time limit within which such information should be submitted.

3. The Committee may approve a questionnaire to facilitate requests for clarification or information from the alleged victim and/or author of a communication.

Rule 58
Information to Committee members

Information regarding registered communications shall be made available to members of the Committee at regular intervals by the Secretary-General.

B. General provisions regarding the consideration of communications by the Committee

Rule 59
Public and closed meetings

1. Meetings of the Committee or its working groups during which communications under the Optional Protocol are examined shall be closed. Meetings during which the Committee may consider general issues, such as procedures for the application of the Optional Protocol, may be public if the Committee so decides.

2. The Committee may issue communiqués, through the Secretary-General, for the use of the information media and the general public regarding the activities of the Committee at its closed meetings.

Rule 60
Inability of a member to take part in the examination of a communication

1. A member shall not take part in the examination of a communication by the Committee if:

(a) The member has any personal interest in the case;

(b) The member has participated in the making of any decision on the case covered by the communication in any capacity other than under the procedures established under the Optional Protocol;

(c) The member is a national of the State party against which the communication is directed.

2. Any question which may arise under paragraph 1 above shall be decided by the Committee without the participation of the member concerned.

Rule 61
Withdrawal of a member

If, for any reason, a member considers that she or he should not take part or continue to take part in the examination of a communication, the member shall inform the Chair of her or his withdrawal.

Rule 62
Participation of members

Members participating in a decision should sign an attendance sheet acknowledging their participation or indicating their inability to take part in or withdrawal from the examination of a communication. The information on the attendance sheet should be reflected in the decision.

Rule 63
Establishment of working groups and designation of rapporteurs

1. The Committee may establish one or more working groups and may designate one or more Rapporteurs to make recommendations to the Committee and to assist it in any manner in which the Committee may decide.

2. The rules of procedure of the Committee shall apply as far as possible to the meetings of its working groups.

Rule 64
Interim measures

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State party concerned, for its urgent consideration, a request that it take such interim measures as the Committee considers necessary to avoid irreparable damage to the victim or victims of the alleged violation.

2. Where the Committee or the Special Rapporteur on communications under the Optional Protocol, acting on behalf of the Committee, requests interim measures under the present rule, the request shall state that it does not imply a determination on the merits of the communication.

3. The State party may present arguments on why the request for interim measures should be lifted.

4. On the basis of the explanations or statements submitted by the State party, the Committee or the Special Rapporteur on communications under the Optional Protocol, acting on behalf of the Committee, may withdraw the request for interim measures.

Rule 65
Method of dealing with communications

1. The Committee shall by simple majority and in accordance with the following rules, decide whether the communication is admissible or inadmissible under the Optional Protocol.

2. A working group established under rule 63, paragraph 1, of the present rules may declare that a communication is admissible under the Optional Protocol provided that all its members so decide.

3. A working group established under rule 63, paragraph 1, of the present rules may declare a communication inadmissible provided that all the members so agree. The decision will be transmitted to the Committee plenary, which may confirm it without formal discussion. If any Committee member requests a plenary discussion, the plenary will examine the communication and take a decision.

Rule 66
Order of review of communications

Communications shall be dealt with in the order in which they are received by the secretariat, unless the Secretary-General, the Committee or a working group decides otherwise.

Rule 67
Joint consideration of communications

Two or more communications may be dealt with jointly if deemed appropriate by the Committee, the Special Rapporteur or a working group established under rule 63, paragraph 1, of the present rules.

Rule 68
Conditions of admissibility of communications

1. With a view to reaching a decision on the admissibility of a communication, the Committee, or a working group, shall apply the criteria set forth in articles 1 and 2 of the Optional Protocol.

2. With a view to reaching a decision on the admissibility of a communication, the Committee shall apply the criteria set forth in article 12 of the Convention recognizing the legal capacity of the author or victim before the Committee, regardless of whether that capacity is recognized in the State party against which the communication is directed.

Rule 69
Authors of communications

Communications may be submitted by or on behalf of individuals or groups of individuals.

Rule 70
Procedures with regard to communications received

1. As soon as possible after the communication has been registered, and provided that the individual or group of individuals consent(s) to the disclosure of her/his/their identity or other forms of identifying details/data to the State party concerned, which is a prerequisite for registration, the Special Rapporteur on communications under the Optional Protocol, acting on behalf of the Committee, shall bring the communication confidentially to the

attention of the State party and shall request that the State party submit a written reply to the communication.

2. Any request made in accordance with paragraph 1 of the present rule shall include a statement that the request does not imply that any decision has been reached on the question of the admissibility of the communication.

3. Within six months after receipt of the Committee's request under the present rule, the State party concerned shall submit to the Committee written explanations or statements that shall relate both to the admissibility of the communication and its merits, and to any remedy that may have been provided in the matter.

4. The Committee may, because of the exceptional nature of a communication, request written explanations or statements that relate only to the admissibility of that communication. A State party that has been requested to submit a written reply that relates only to the question of admissibility is not precluded thereby from submitting, within six months of the request, a written reply that relates to both the communication's admissibility and its merits.

5. A State party that has received a request for a written reply under paragraph 1 of the present rule may submit a request in writing that the communication be rejected as inadmissible, setting out the grounds for such inadmissibility, and requesting that the admissibility of the communication be considered separately from the merits. Such a request should be submitted to the Committee within two months of the request made under paragraph 1.

6. If the State party concerned disputes the contention of the author or authors, in accordance with article 2 (d) of the Optional Protocol, that all available domestic remedies have been exhausted, the State party shall give details of the remedies available to the alleged victim or victims in the particular circumstances of the case.

7. If the State party concerned disputes the legal capacity of the author or authors under article 12 of the Convention, the State party shall give details of the laws and remedies available to the alleged victim or victims in the particular circumstances of the case.

8. On the basis of the information provided by the State party to support its request for a rejection and separate consideration of admissibility, the Committee, a working group or the Special Rapporteur on communications under the Optional Protocol, acting on behalf of the Committee, may decide to consider the admissibility of the communication separately from the merits.

9. Submission by the State party of a request in accordance with paragraph 5 of the present rule shall not extend the period of six months given to the State party to submit its written explanations or statements on the merits, unless the Committee, a working group, or the Special Rapporteur on communications under the Optional Protocol, acting on behalf of the Committee, decides to extend the time for submission for such a period as the Committee considers appropriate.

10. The Committee, a working group or the Special Rapporteur on communications under the Optional Protocol, acting on behalf of the Committee, may request the State party or the author or authors of the communication to submit, within specified time limits, additional written explanations or statements relevant to the question of admissibility or the merits of a communication.

11. The Committee, a working group or the Special Rapporteur, acting on behalf of the Committee, shall transmit to each party the submissions made by the other party pursuant to the present rule and shall afford each party an opportunity to comment on submissions within fixed time limits.

Rule 71
Inadmissible communications

1. Where the Committee decides that a communication is inadmissible under article 2 (d) of the Optional Protocol, it shall as soon as possible communicate its decision and the reasons for that decision, through the Secretary-General, to the author or authors of the communication and to the State party concerned.

2. A decision of the Committee declaring a communication inadmissible under article 2 (d) of the Optional Protocol may be reviewed at a later date by the Committee upon receipt of a written request submitted by or on behalf of the individual concerned containing information indicating that the reasons for inadmissibility referred to in article 2 (d) no longer apply.

3. Any member of the Committee who has participated in the decision regarding admissibility may request that a summary of her or his individual opinion be appended to the Committee's decision declaring a communication inadmissible. Rule 73, paragraph 6, on the submission of individual opinions, set out below, also applies here.

Rule 72
Additional procedure regarding consideration of admissibility separately from the merits

1. In those cases in which the issue of admissibility is decided by the Committee or a working group before the State party's written explanation or statement on the merits of the communication is received, if the Committee or a working group decides that the communication is admissible, that decision and all other relevant information shall be submitted, through the Secretary-General, to the State party concerned. The author of the communication shall also be informed, through the Secretary-General, of the decision.

2. Any member of the Committee who has participated in the decision declaring a communication admissible may request that a summary of her or his individual opinion be appended to it. Rule 73, paragraph 6, on the submission of individual opinions, set out below, also applies here.

3. The Committee, a working group or the Special Rapporteur on communications may, at any time in the course of the examination of a communication, accept interventions from third parties with regard to the communication. The third party intervention must be accompanied by written authority from one of the parties to the communication. If a third party communication is accepted, the Committee shall afford each party an opportunity to comment on the third party intervention within fixed time limits.

4. Upon consideration of the merits, the Committee may review its decision that a communication is admissible in the light of any explanation or statements submitted by the State party.

Rule 73
Views of the Committee

1. Where the parties have submitted information relating both to the admissibility and the merits of a communication, or in which a decision on admissibility has already been taken and the parties have submitted information on the merits of that communication, the Committee shall consider and formulate its views on the communication in the light of all written information made available to it by the author or authors of the communication and

the State party concerned, provided that this information has been submitted to the other party concerned.

2. The Committee or a working group may, at any time in the course of the examination of a communication, obtain through the Secretary-General any documentation from organizations within the United Nations system or other bodies that may be of assistance in the consideration of the communication, provided that the Committee afford each party an opportunity to comment on such documentation or information within fixed time limits.

3. The Committee may refer any communication to a working group to make recommendations to the Committee on the merits of the communication.

4. The Committee shall not decide on the merits of the communication without having considered the applicability of all the admissibility grounds referred to in articles 1 and 2 of the Optional Protocol.

5. The Secretary-General shall transmit the views of the Committee, determined by a simple majority, together with any recommendations, to the author or authors of the communication and to the State party concerned.

6. Any member of the Committee who has participated in the decision may request that a summary of her or his individual opinion be appended to the Committee's views. Such individual opinions should be submitted by the member(s) concerned within two weeks of the receipt by the member(s) concerned of the final text of the decision/views in the working language of the member(s).

Rule 74
Discontinuation of communications

The Committee may discontinue communications in certain circumstances, including when the reasons behind the submission of the communication have become moot.

Rule 75
Follow-up on views of the Committee

1. Within six months of the Committee's transmittal of its views on a communication, the State party concerned shall submit to the Committee a written response, including any information on any action taken in the light of the views and recommendations of the Committee.

2. Subsequently, the Committee may invite the State party concerned to submit further information about any measures the State party has taken in response to its views or recommendations.

3. The Committee may request the State party to include information on any action taken in response to its views or recommendations in its reports under article 35 of the Convention.

4. The Committee shall designate for follow-up on views adopted under article 5 of the Optional Protocol a Special Rapporteur or working group to ascertain the measures to be taken by States parties to give effect to the Committee's views.

5. The Special Rapporteur or working group may make such contacts and take such action as is appropriate for the due performance of their assigned functions and shall make such recommendations for further action by the Committee as may be necessary.

6. The Special Rapporteur or working group in charge of the follow-up mandate may, with the approval of the Committee and the State party itself, make any necessary visits to the State party concerned.

7. The Special Rapporteur or working group shall regularly report to the Committee on follow-up activities.

8. The Committee shall include information on follow-up activities in its report under article 39 of the Convention.

Rule 76
Confidentiality of communications

1. Communications under the Optional Protocol shall be examined by the Committee or a working group in closed meetings.

2. All working documents prepared by the secretariat for the Committee, a working group or Rapporteur, including summaries of communications prepared prior to registration, the list of summaries of communications shall remain confidential, unless the Committee decides otherwise.

3. The Secretary-General, the Committee, a working group or Rapporteur shall not make public any submission or information relating to a pending communication.

4. Paragraph 1 of the present rule shall not affect the right of the author or authors of a communication, the alleged victim or victims or the State party concerned to make public any submissions or information bearing on the proceedings. However, the Committee, working group or Rapporteur may, as deemed appropriate, request the author or authors of a communication, the alleged victim or victims or the State party concerned to keep confidential the whole or part of any such submissions or information.

5. The Committee's decisions declaring communications inadmissible and decisions on the merits and discontinuances shall be made public. Separate decisions on admissibility (see rule 72 above) shall not be made public until the Committee has considered the merits of the communication.

6. The Committee may decide that the names and identifying details of the author or authors of a communication or the alleged victim or victims of a violation of the provisions of the Convention not be disclosed in its decisions declaring communications inadmissible or decisions on the merits or discontinuance. The Committee shall take such decisions on its own initiative or upon request of the author or authors or alleged victim or victims or State party.

7. The Secretariat is responsible for the distribution of the Committee's final decisions. It shall not be responsible for the reproduction and the distribution of submissions concerning communications.

8. Unless the Committee decides otherwise, information provided in follow-up to the Committee's views and recommendations under article 5 of the Convention shall not be confidential. Unless the Committee decides otherwise, decisions of the Committee with regard to follow-up activities shall not be confidential.

9. The Committee shall include in its report under article 39 of the Convention information on its activities under articles 1 to 5 of the Optional Protocol.

Rule 77
Dissemination of information on the Committee's activities

The Committee may issue communiqués regarding its activities under articles 1 to 5 of the Optional Protocol. The Secretary-General shall disseminate these communiqués through the most accessible formats.

XV. Proceedings under the inquiry procedure of the Optional Protocol

Rule 78
Transmission of information to the Committee

1. The Secretary-General shall bring to the attention of the Committee information that is or appears to be submitted for the Committee's consideration under article 6 (1) of the Optional Protocol.

2. The Secretary-General shall maintain a permanent record of information brought to the attention of the Committee under the present rule and shall make the information available to any member of the Committee upon request.

3. The Secretary-General, when necessary, shall prepare and circulate to members of the Committee a brief summary of the information submitted in accordance with the present rule.

Rule 79
Compilation of information by the Committee

The Committee may, on its own initiative, compile information available to it, including from the United Nations bodies, for its consideration under article 6 (1) of the Optional Protocol.

Rule 80
Confidentiality

Except in compliance with article 7 of the Optional Protocol, all documents and proceedings of the Committee relating to the conduct of an inquiry under article 6 of the Optional Protocol shall be confidential.

Rule 81
Meetings related to proceedings under article 6

Meetings of the Committee during which inquiries under article 6 of the Optional Protocol are considered shall be closed.

Rule 82
Preliminary consideration of information by the Committee

1. The Committee may, through the Secretary-General, ascertain the reliability of the information and/or the sources of the information brought to its attention under article 6 of the Optional Protocol and may obtain additional relevant information substantiating the facts of the situation.

2. The Committee shall determine whether the information it has received or compiled on its own initiative contains reliable information indicating grave or systematic violations of rights set forth in the Convention by the State party concerned.

3. The Committee may request a working group to assist it in carrying out its duties under the present rule.

Rule 83
Submission and examination of information

1. If the Committee is satisfied that the information it has received or compiled on its own initiative is reliable and indicates grave or systematic violations of rights set forth in the Convention by the State party concerned, the Committee shall invite the State party, through the Secretary-General, to submit observations with regard to that information within fixed time limits.

2. The Committee shall take into account any observations that may have been submitted by the State party concerned, as well as any other relevant information.

3. The Committee may decide to obtain additional information from:

(a) Representatives of the State party concerned;

(b) Regional integration organizations;

(c) Governmental organizations;

(d) National human rights institutions;

(e) Non-governmental organizations;

(f) Individuals, including experts.

4. The Committee shall decide the form and manner in which such additional information will be obtained.

5. The Committee may, through the Secretary-General, request any relevant information or documentation from the United Nations system.

Rule 84
Establishment of an inquiry

1. Taking account of any observations that may have been submitted by the State party concerned, as well as other reliable information, the Committee may designate one or more of its members to conduct an inquiry and to make a report within a fixed time limit.

2. An inquiry shall be conducted confidentially and in accordance with any modalities determined by the Committee.

3. The members designated by the Committee to conduct the inquiry shall determine their own methods of work, taking into account the Convention, the Optional Protocol and the present rules of procedure.

4. During the period of the inquiry, the Committee may defer consideration of any report that the State party concerned may have submitted pursuant to article 35 of the Convention.

Rule 85
Cooperation of the State party concerned

1. The Committee shall seek the cooperation of the State party concerned at all stages of an inquiry.

2. The Committee may request the State party concerned to nominate a representative to meet with the member or members designated by the Committee.

3. The Committee may request the State party concerned to provide the member or members designated by the Committee with any information that she/he/they or the State party may consider relates to the inquiry.

Rule 86
Visits

1. Where the Committee deems it warranted, the inquiry may include a visit to the territory of the State party concerned.

2. Where the Committee decides, as a part of its inquiry, that there should be a visit to the State party concerned, it shall, through the Secretary-General, request the consent of the State party to such a visit.

3. The Committee shall inform the State party concerned of its wishes regarding the timing of the visit and the facilities required to allow those members designated by the Committee to conduct the inquiry to carry out their task.

Rule 87
Hearings

1. Visits may include hearings to enable the designated members of the Committee to determine facts or issues relevant to the inquiry.

2. The conditions and guarantees concerning any hearings held in accordance with paragraph 1 of the present rule shall be established by the designated members of the Committee visiting the State party in connection with an inquiry, and the State party concerned.

3. Any person appearing before the designated members of the Committee for the purpose of giving testimony shall make a solemn declaration as to the veracity of her or his testimony and the confidentiality of the procedure.

4. The Committee shall inform the State party that it shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill-treatment or intimidation as a consequence of participating in any hearings in connection with an inquiry or with meeting the designated members of the Committee conducting the inquiry.

Rule 88
Assistance during an inquiry

1. In addition to the staff and facilities, including assistants that shall be provided by the Secretary-General to the designated members of the Committee in connection with an inquiry, including during a visit to the State party concerned, the designated members of the Committee may, through the Secretary-General, invite interpreters and/or such persons with special competence in the fields covered by the Convention as are deemed necessary by the Committee to provide assistance at all stages of the inquiry.

2. Where such interpreters or other persons of special competence are not bound by the oath of allegiance to the United Nations, they shall be required to declare solemnly that they will perform their duties honestly, faithfully and impartially, and that they will respect the confidentiality of the proceedings.

Rule 89
Transmission of findings, comments or suggestions

1. After examining the findings of the designated members submitted in accordance with rule 84 of the present rules, the Committee shall transmit the findings of the inquiry, through the Secretary-General, to the State party concerned together with any comments and recommendations.

2. The State party concerned shall submit its observations on the findings, comments and recommendations to the Committee, through the Secretary-General, within six months of their receipt.

Rule 90
Follow-up action by the State party

1. The Committee may, through the Secretary-General, invite a State party that has been the subject of an inquiry to include in its report under article 35 of the Convention, and rule 39 of the present rules of procedure, details of any measures taken in response to an inquiry conducted under article 6 of the Optional Protocol.

2. The Committee may, after the end of the period of six months referred to in paragraph 2 of rule 89 above, invite the State party concerned, through the Secretary-General, to inform it of any measures taken in response to an inquiry.

Rule 91
Applicability

Rules 78 to 90 of the present rules shall not be applied to a State party that, in accordance with article 8 of the Optional Protocol, declared at the time of ratification or accession to the Optional Protocol that it does not recognize the competence of the Committee provided for in articles 6 and 7 of the Optional Protocol, unless that State party has subsequently withdrawn its declaration.

Part three
Interpretation and amendments

Rule 92
Headings

For the purpose of the interpretation of the present rules, the headings, which are inserted for reference purposes only, shall be disregarded.

Rule 93
Interpretation of rules of procedure

In its interpretation of its rules of procedure, the Committee may seek guidance from the practice, procedure and interpretation of other treaty bodies with similar rules.

Rule 94
Suspensions

Any of the present rules may be suspended by a decision of the Committee, taken by a two-thirds majority of the members present and voting, provided that such suspension is not inconsistent with the Convention and the Optional Protocol.

Rule 95
Amendments

The present rules of procedure may be amended by a decision of the Committee taken by a two-thirds majority of the members present and voting and at least 24 hours after the proposal for the amendment has been circulated, provided that the amendment is not inconsistent with the Convention and the Optional Protocol.

Rule 96
Guidelines on the independence and impartiality of the members of the human rights treaty bodies (the Addis Ababa guidelines)

The guidelines on the independence and impartiality of the members of the human rights treaty bodies (the Addis Ababa guidelines) (see A/67/222, annex I) are an integral part of the present rules of procedure.

Rule 97
Committee's methods of work

The Committee's methods of work (CRPD/C/5/4), and subsequent amendments and revisions thereto, supplement and are part of the Committee's rules of procedure, and should be read in conjunction with them.

Annex

Guidelines on independent monitoring frameworks and their participation in the work of the Committee on the Rights of Persons with Disabilities

I. Introduction

1. Since 2009, when it was established, the Committee on the Rights of Persons with Disabilities has regularly interacted with independent monitoring frameworks, including national human rights institutions that monitor the implementation of the Convention on the Rights of Persons with Disabilities, which have made effective contributions to the Committee's reporting and inquiry procedures. In September 2014, the Committee held its first meeting with independent monitoring frameworks to discuss how efforts to strengthen activities to promote implementation of the Convention at the national and international levels could be mutually reinforced. Between September 2014 and November 2015, several informal consultations and one formal consultation were held with the purpose of collecting the views of independent monitoring frameworks on a set of guidelines for such collaboration, the time frame for developing the guidelines and the modalities of the consultation process.

2. Along with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of Persons with Disabilities is one of the human rights treaties that expressly requests States parties to establish a framework for monitoring its provisions at the national level. The Convention goes even further than the Optional Protocol, and is unique in this regard among human rights treaties, in requiring that, in establishing a monitoring framework, States parties take into account the principles relating to the status of national institutions for the protection and promotion of human rights (the Paris Principles) and that members of civil society, in particular persons with disabilities and their representative organizations, fully participate in the monitoring process.

3. States parties are called upon to monitor the implementation of the Convention at both the international and national levels. At the international level, implementation is monitored through the reporting, communication and inquiry procedures of the Committee. At the national level, and pursuant to article 33 (2) of the Convention, States parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such framework and mechanisms, States parties shall take into account the Paris Principles. Article 33 (3) of the Convention establishes that civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

4. The Committee recognizes the importance of establishing, maintaining and furthering a close interaction and relationship with independent monitoring frameworks and national human rights institutions at all stages and in all aspects of the Committee's work. International- and national-level monitoring should be complementary and mutually reinforcing in order for human rights to be realized in a manner consistent with international human rights instruments. Activities to monitor implementation of the Convention should reflect the principles, the object and the purpose of the Convention, as

well as a paradigm shift to the human rights model of disability, according to which persons with disabilities are considered rights-holders and their dignity and contribution to society are fully acknowledged, promoted and protected.

5. The Committee acknowledges the important role that national human rights institutions play, inter alia, in promoting the harmonization of national legislation and policies with the Convention and the ratification of the Convention, in raising awareness of its provisions, in providing advice to the authorities tasked with implementing its provisions and, when the enabling legislation allows, in carrying out investigations into and handling individual and group complaints alleging violations of the rights guaranteed under the Convention. The Committee recognizes the important role of national human rights institutions in monitoring implementation of the Convention to promote compliance at the national level. The Committee acknowledges the role of national human rights institutions in creating bridges between national entities, including State institutions and civil society, in particular persons with disabilities and their representative organizations, and the international system for the protection and promotion of human rights. The Committee acknowledges the importance of national human rights institutions being established, accredited and strengthened in compliance with the Paris Principles. The Committee fully endorses the efforts made by the human rights treaty bodies to enhance and ensure the effective participation of national human rights institutions at all relevant stages of their work. The Committee is committed to making that participation meaningful and to ensuring the most effective contributions by national human rights institutions. The Committee welcomes the recommendation of the General Assembly that treaty bodies harmonize their engagement with national human rights institutions (see Assembly resolution 70/163).

6. The Committee supports and further encourages all treaty bodies to adopt a common approach aimed at promoting the effective participation, at all stages of their work, of national human rights institutions that are compliant with the Paris Principles. References in the present guidelines to national human rights institutions build upon general comments, guidelines and directives already adopted by other treaty bodies, in particular the Human Rights Committee (CCPR/C/106/3), the Committee on the Rights of the Child (general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child), the Committee on Enforced Disappearances (CED/C/6), the Committee on Economic, Social and Cultural Rights (general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights) and the Committee on the Elimination of Racial Discrimination (general recommendation (1993) No. 17 on the establishment of national institutions to facilitate the implementation of the Convention).

7. The present guidelines are applicable to both formally appointed monitoring frameworks, whether they consist of or include a national human rights institution, and to national human rights institutions that, in line with their mandates as defined in national and domestic legislation, monitor the implementation of the Convention, irrespectively of whether they have been formally appointed with reference to article 33 (2) of the Convention.

II. Scope of article 33 (2) and (3) of the Convention

8. Article 33 requires States parties that have not done so before the entry into force of the Convention to designate or establish an independent framework that includes one or more mechanisms with the competence to promote, protect and monitor the implementation of the Convention. The designation or establishment of the independent monitoring framework should be done at the earliest possible opportunity after the entry into force of the Convention. Article 33 requires that States parties undertake a broad, inclusive

consultation process with civil society organizations, in particular with persons with disabilities and their representative organizations, in order to designate or establish an independent monitoring framework.

9. While there is no specific formal requirement for designating or establishing such frameworks, and States parties can proceed with their designation or establishment in accordance with their legal and administrative systems, article 33 requires States parties to ensure that the monitoring frameworks are independent from the focal points appointed under article 33 (1) of the Convention.

10. If a monitoring framework is already in place at the time of the entry into force of the Convention, article 33 requires that States parties maintain and strengthen it.

11. Article 33 also requires all States parties to maintain and strengthen their monitoring framework, a duty that includes the obligation to ensure that the framework has a stable institutional basis that allows it to operate properly over time and that it is appropriately funded and resourced (with technical and human expertise) through allocations from the national budget.

12. The duty to maintain and strengthen also obliges States parties to ensure that the independent monitoring framework can properly discharge its functions. This means that the framework must have expeditious and full access to information, databases, records, facilities and premises, both in urban and rural or remote areas; that it must have unrestricted access to and interaction with any persons, entities, organizations or governmental bodies with which it requires to be in contact; that its requests are addressed properly and in a timely manner by implementing bodies; and that training is available to its staff on a continuous basis.

13. Article 33 should be read as requiring States parties to refrain from directly or indirectly restricting, limiting or interfering with activities carried out by the independent monitoring framework in the promotion, protection and monitoring of the implementation of the Convention. Promotion activities include raising awareness, building capacity and training; regularly scrutinizing existing national legislation, regulations and practices, as well as draft bills and other proposals, to ensure that they are consistent with Convention requirements; carrying out or facilitating research on the impact of the Convention on national legislation; providing technical advice to public authorities and other entities on the implementation of the Convention; issuing reports at the initiative of the frameworks themselves, when requested by a third party or a public authority; encouraging the ratification of international human rights instruments; contributing to the reports that States are required to submit to United Nations bodies and committees; and cooperating with international, regional and other national human rights institutions. Protection activities include taking into consideration individual or group complaints alleging breaches of the Convention; conducting inquiries; referring cases to the courts; participating in judicial proceedings; and issuing reports related to complaints received and processed. Monitoring activities include developing a system to assess the impact of the implementation of legislation and policies; developing indicators and benchmarks; and maintaining databases containing information on practices related to the implementation of the Convention.

14. States parties have a margin of appreciation to decide whether or not their independent monitoring framework consists of one or more monitoring mechanisms. When a single entity is appointed as a monitoring mechanism, it is required to be independent from the executive branch of government and to comply with the Paris Principles. If the monitoring framework consists of one or more mechanisms, all mechanisms are required to be independent from the executive branch and at least one of them must be compliant with the Paris Principles. When the monitoring framework comprises two or more mechanisms,

article 33 requires States parties to ensure appropriate and close cooperation between all the entities that make up the monitoring framework.

15. States parties should respect both the functional and the substantive independence of monitoring frameworks. In order to respect their substantive independence, States parties should ensure that the mandate of the frameworks is appropriately and sufficiently broadly defined to encompass the promotion, protection and monitoring of all rights enshrined in the Convention and that it is set out in a constitutional or a legislative text; they should also ensure that the frameworks are empowered and entrusted with a wide range of responsibilities, including those referred to in paragraph 14 above. In order to respect the functional independence of the monitoring frameworks, States parties shall ensure that each constituent mechanism is independent from the executive branch of the State party and that the monitoring frameworks: (a) have members appointed in a public, democratic, transparent and participatory manner; (b) have sufficient funding and technical and skilled human resources; (c) have autonomy in the management of their budget; (d) have autonomy in deciding and considering which issues fall within its scope; (e) can maintain and develop relations and engage in consultations with other bodies; and (f) may hear and consider complaints put forward by individuals or groups alleging violations of their rights under the Convention.

16. States parties shall give due consideration to the recommendations issued by the monitoring framework in their annual, thematic or specific reports and to the framework's decisions and views regarding individual cases. Appropriate follow-up should be provided to the monitoring framework's recommendations, including through the submission of timely follow-up reports when they are requested or due. States parties are encouraged to implement the recommendations effectively and in a timely manner.

17. States parties are also encouraged to appoint their Paris Principles-compliant national human rights institution as the monitoring framework or the mechanism forming part of the monitoring framework and to equip it with additional and adequate budgetary and skilled human resources to appropriately discharge its mandate under article 33 (2) of the Convention.

18. States parties with federal or decentralized administrations should ensure that the central monitoring framework can properly discharge its functions at the federal, state, provincial, regional and local levels. When monitoring frameworks exist at those levels, States parties shall ensure that the federal or national monitoring framework can properly interact and coordinate its activities with the state, provincial, regional, local or municipal monitoring frameworks. Where an independent monitoring framework does not solely consist of a Paris Principles-compliant national human rights institution, States parties are encouraged to mandate the institution with facilitating and coordinating interaction between the monitoring framework and its regional and local counterparts.

19. In cases in which the framework is composed of one or more monitoring mechanisms, States parties shall provide the appropriate support, upon the request of the framework, so that the framework can regularly and adequately operate and discharge its functions.

20. The independent monitoring framework should ensure the full involvement and participation of persons with disabilities and their representative organizations in all areas of its work. The Committee considers organizations of persons with disabilities to be organizations with a majority of members being persons with disabilities (at least half of its membership) and that are governed, led and directed by persons with disabilities. Involvement and participation should be meaningful and take place at all the stages of the monitoring process, which should be accessible, respectful of the diversity of persons with disability and gender- and age-sensitive. Article 33 (3) of the Convention, read in

conjunction with article 4 (3), requires States parties to provide persons with disabilities and their representative organizations, including organizations of women with disabilities and organizations of children with disabilities, with appropriate funding and resources to enable the effective and meaningful participation of persons with disabilities in the monitoring framework.

21. States parties shall ensure that monitoring frameworks can interact, in a regular, meaningful and timely manner, with focal points and coordinating mechanisms appointed pursuant to article 33 (1) of the Convention for the implementation of the provisions of the Convention, in order to ensure that the views and recommendations of the monitoring framework are duly considered in decision-making processes. States parties are encouraged to formalize the process of engagement between entities established pursuant to article 33 (1) and (2), whether through legislation, regulations or a duly authorized executive agreement and directive. When a national mechanism for reporting to international human rights mechanisms and for following up on their recommendations has been appointed, States parties should ensure that independent monitoring frameworks are meaningfully involved and participate, in an independent capacity, in the activities of those national mechanisms.

22. Advisory bodies such as disability councils or committees comprising representatives of departments and units involved in the implementation of the Convention should not be involved or in any manner take part in the activities of the monitoring framework. States parties should ensure that effective procedures are in place to prevent, regulate and resolve potential conflict of interest or undue influence resulting from the interaction of the above-mentioned bodies and the monitoring framework.

III. Participation of independent monitoring frameworks in the proceedings of the Committee

A. Reporting procedure

23. The Committee encourages independent monitoring frameworks to become actively engaged in and to contribute as soon as possible and at all stages of the reporting procedure, including by:

(a) Raising awareness about States' obligations under the Convention, including reporting obligations;

(b) Encouraging timely reporting by States parties;

(c) Encouraging States to consult broadly with independent monitoring frameworks, civil society and organizations of persons with disabilities when drafting their initial and periodic reports. Monitoring frameworks can contribute to the process of drafting initial and periodic reports by, inter alia, disseminating, in a timely manner, information in accessible formats among stakeholders at the national level on upcoming reviews by the Committee of States parties' obligations under the Convention; encouraging the departments or units responsible for drafting the reports to ensure participatory and transparent consultation processes; providing written contributions, as appropriate; informing civil society organizations, including organizations of persons with disabilities, of the opportunities they have for participating in the official drafting process or of their options for preparing and submitting alternative reports; and supporting civil society organizations and organizations of persons with disabilities in drafting those alternative reports;

(d) Submitting to the Committee an alternative report not exceeding 10,700 words. For initial State party reports, alternative reports should include an executive summary and information related to each of the first 33 articles of the Convention. For periodic reports, alternative reports should also include an executive summary and refer to: follow-up measures taken for implementing previous concluding observations; new developments that have occurred in the State party since the previous review; gaps in implementation and possible measures for overcoming them; and information about the situation of women, children, the elderly, persons belonging to minority groups, internally displaced persons, migrants, refugees, indigenous persons, persons with albinism or any other category of persons with disabilities;

(e) To the maximum extent possible, providing stakeholders involved in the reporting process with statistics collected by the responsible authorities of the State party and/or data collected and research conducted by the monitoring framework on the institutional and normative framework to ensure implementation of the Convention, on the policies, programmes and activities in place to achieve implementation, and on their impact. When feasible, data shall be disaggregated by sex, age, type of impairment, ethnicity and any other relevant category;

(f) Contributing to the preparation of lists of issues, both for the general and the simplified reporting procedures, by, inter alia, providing updated and reliable information on progress made in the implementation of the Convention by the State party and by identifying and analysing the main implementation gaps and proposing concrete questions and issues that the Committee could take up with a view to improving the quality of the dialogue with the State party. Independent monitoring frameworks can submit written contributions not exceeding 5,000 words and participate in private briefings with the Committee while it is in session or with a pre-session working group, either on their own or, upon previous agreement, with civil society organizations;

(g) Submitting independent written contributions commenting on the State party's replies to the list of issues, both for the general and the simplified reporting procedures, aimed at complementing the information provided by the State party;

(h) Participating in the dialogue between the Committee and the delegation of the State party. The Committee provides monitoring frameworks with the opportunity to make an opening statement immediately after the opening statement of the delegation and a closing statement after the closing statement of the delegation, and to respond to questions addressed to them by the Committee. To this end, independent monitoring frameworks should approach the Committee prior to the session in which the State party's report will be considered and request to participate, in an independent role, during the dialogue with the delegation of the State party. The Chair of the Committee will decide whether the request should be granted. Paris Principles-compliant national human rights institutions too can participate in the dialogue in an independent capacity, using the above-mentioned modalities, following a request to the Committee;

(i) Requesting a private, closed dialogue with the Committee in preparation for the dialogue with the State party;

(j) Encouraging the relevant State party authorities to translate, as appropriate, the concluding observations of the Committee and to disseminate them in accessible formats and through alternative means and modes of communication among the broadest possible range of stakeholders at the national level, in particular among persons with disabilities and their representative organizations;

(k) Advocating and raising awareness, including among departments and units involved in the implementation of the Convention, about the importance of giving due consideration to the Committee's concluding observations, and to reflect, mainstream and

incorporate the Committee's recommendations into national policies, programmes and activities related to the implementation of the Convention;

(l) Contributing to the Committee's follow-up procedure on recommendations issued by the Committee in its reporting procedure. That could be achieved by, inter alia, disseminating information on the existence of the procedure among a broad range of stakeholders at the national level; organizing follow-up consultations; supporting organizations of persons with disabilities to familiarize themselves with the procedure and to make timely contributions; and making written contributions that contain an assessment of whether the Committee's recommendations have been properly addressed and implemented by the State party;

(m) Providing written submissions or addressing the Committee in private briefings whenever the Committee decides to examine a State party in the absence of a report pursuant to article 36 (2) of the Convention;

(n) Facilitating and promoting the meaningful participation of organizations of persons with disabilities in the reporting process.

B. Days of general discussion and general comments

24. The Committee encourages independent monitoring frameworks to make contributions to the days of general discussion organized by the Committee and to participate in the consultation processes related to the preparation of the Committee's general comments.

25. The Committee also encourages independent monitoring frameworks to encourage the relevant State party authorities to have translated, as appropriate, the Committee's general comments and to have them disseminated in accessible formats and through alternative and augmentative means and modes of communication. Independent monitoring frameworks are encouraged to use the general comments in their national advocacy efforts for the promotion and protection of the rights of persons with disabilities.

C. Communications procedure (Optional Protocol)

26. The Committee encourages independent monitoring frameworks to:

(a) Provide support and assistance, including legal advice, when feasible, to individuals, groups of individuals and organizations of persons with disabilities alleging a violation of the rights guaranteed under the Convention and wishing to submit a communication to the Committee;

(b) Avail themselves of the possibility of making a third-party intervention pursuant to rule 72, paragraph 3, of the rules of procedure or to promote and provide advice to other stakeholders making third-party interventions;

(c) Encourage the relevant State party authorities to have translated the Views of the Committee and to have them disseminate in accessible formats and through alternative and augmentative means and modes of communications, in particular among organizations of persons with disabilities;

(d) Monitor and assist victims in monitoring the implementation of the Committee's Views by the State party, including by providing advice to the State party on legislative, administrative and other measures or reforms;

(e) Submit follow-up information on the implementation of the Committee's Views, when appropriate, within 180 days of their adoption.

D. Inquiry procedure (Optional Protocol)

27. The Committee encourages independent monitoring frameworks to:

(a) Address the Committee when there is reliable information indicating grave or systematic violations by the State party of rights set forth in the Convention;

(b) Provide information, when requested by the Committee pursuant to rule 83, paragraph 3, of the Committee's rules of procedure;

(c) Cooperate with the Committee, in particular when the inquiry procedure entails a visit to the territory of a State party;

(d) When appropriate, provide follow-up information on the implementation of the recommendations made by the Committee in its report on the inquiry.

E. Capacity-building activities (art. 37 (2) of the Convention)

28. Whenever independent monitoring frameworks consider it appropriate for the enhancement of national capacities for the implementation of the Convention, they may consider requesting the Committee to provide advice on the compatibility of draft legislation, policies and programmes with the Convention.

29. Requests should be made in writing, indicating the value added by the advisory services provided by the Committee. In making the request, independent monitoring frameworks should also provide the text of relevant draft legislation, policies and programmes, in English, in accessible formats.

F. Reprisals

30. The Committee encourages independent monitoring frameworks to:

(a) Monitor States parties' responses to allegations of reprisals against individuals, groups or organizations of persons with disabilities that have contributed to the work of, or interacted with, the Committee;

(b) When feasible, share with the Committee, on a regular basis, States parties' good practices related to the early detection, risk assessment and assistance and protection schemes adopted or promoted in cases of reprisal, intimidation, harassment or persecution of individuals, groups or organizations of persons with disabilities that have contributed to the work of, or interacted with, the Committee;

(c) Support alleged victims of reprisals in approaching and interacting with the Committee and other human rights mechanisms dealing with allegations of reprisals;

(d) Monitor States parties' measures to follow up on the recommendations of the Committee and other human rights mechanisms dealing with allegations of reprisals in specific cases.

31. The Committee recognizes that national human rights institutions and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including

when taking up individual cases or when reporting on serious or systematic violations in their countries (see General Assembly resolutions 68/171 and 70/163 on national institutions for the promotion and protection of human rights).

32. The Committee also recognizes the role that national human rights institutions can play in preventing and addressing cases of reprisal by supporting cooperation between their respective States parties and the United Nations in the promotion of human rights, including by contributing to follow-up actions, as appropriate, to the recommendations made by international human rights mechanisms.

33. The Committee emphasizes that any case of alleged reprisal or intimidation against national human rights institutions and their respective members and staff or against individuals who cooperate or seek to cooperate with national human rights institutions should be promptly and thoroughly investigated, and the perpetrators brought to justice.

IV. Monitoring implementation of the Convention at the national level

34. The Committee recognizes the importance of the role of independent monitoring frameworks in promoting, protecting and monitoring implementation of the Convention at the national level. Unlike the Committee, monitoring frameworks consist of, or are composed of, mechanisms that operate on a permanent basis and have a close connection with the national, regional and local setting in which the Convention is implemented.

35. The Committee also recognizes the challenges associated with monitoring implementation of the Convention at the national level, such as the limited availability of reliable data by State party institutions; the lack of data disaggregated by sex, age or type of disability; the variety of methods and systems in place for assessing disability in different regions, states and provinces and in different ministries, departments and units; the lack of or insufficient participation of persons with disabilities and their representative organizations in the design and implementation of national census and household surveys; and the prevalence of inadequate systems for the collection of data and the fact that data collection systems are often based on outdated approaches to disability, such as the medical model of disability. These factors have regularly prevented policymakers from properly assessing the situation of persons with disabilities and prevented the inclusion of persons with disabilities in the design and implementation of mainstream or disability-specific development policies and programmes.

36. The Committee acknowledges the initiatives taken at the international, regional and national levels to develop indicators and benchmarks for measuring the implementation of the Convention. The Committee welcomes the fact that data related to the implementation of the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, will be disaggregated, including on the basis of disability. The Committee also acknowledges that several United Nations agencies have developed indicators or are in the process of doing so, and welcomes, in particular, the development of human rights disability-friendly indicators to monitor the implementation of the Convention with the active involvement and contribution of civil society and, in particular, of persons with disabilities and their representative organizations.

37. The Committee observes that data on the situation of persons with disabilities have not been systematically and regularly collected in national statistics systems and that baselines, indicators and benchmarks have not been regularly used or reflected in data collection and analysis efforts at the national level.

38. The Committee considers that collective, coordinated and continuous efforts by national statistical commissions, the focal points and coordination mechanisms appointed under article 33 (1) of the Convention, United Nations agencies, international cooperation entities, regional organizations, independent monitoring frameworks, civil society organizations and persons with disabilities through their representative organizations are required to improve the systems for collecting and analysing data and, therefore, for monitoring the implementation of the rights set forth in the Convention.

39. The Committee considers that the design, implementation and evaluation of national policies and programmes by bodies appointed under article 33 (1) of the Convention, as well as monitoring activities carried out under article 33 (2), should be guided by the following principles:

(a) The Convention, being at the same time a human rights and a development instrument, is the legal framework that should be taken into account in the design, implementation, evaluation and monitoring of all development policies and programmes falling within the framework of the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals;

(b) Implementation of the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, in relation to persons with disabilities should take into account the relevant international human rights framework and, in particular, the Convention;

(c) Policies and programmes should be designed, implemented, evaluated and monitored taking into account the human rights model of disability enshrined in the Convention and should be aimed at identifying and bridging the gaps that prevent persons with disabilities — as rights holders — from fully enjoying their rights, as well as the gaps that infringe on duty bearers to fully discharge their legal obligations to respect, protect and fulfil the rights of persons with disabilities;

(d) The twin-track approach to disability should be reflected in the monitoring of policies and programmes; monitoring activities should aim to measure the impact of mainstream policies and programmes on persons with disabilities, as well as the impact of disability-specific policies. The twin-track approach combines the use of disability-specific policies aimed at supporting and empowering persons with disabilities with the mainstreaming of disability rights across general policies and programmes;

(e) Persons with disabilities, through their representative organizations and as individual experts, should participate meaningfully and be involved in the design, implementation, evaluation and monitoring of policies and programmes;

(f) Data must be disaggregated by sex, age and type of disability in order to ensure that at all the stages of policy planning, implementation and monitoring no one is excluded;

(g) Monitoring activities should not only focus on the results or outcomes of policies and programmes but also take into account the structural and policy frameworks and the processes in place to achieve such results. In that regard, the Committee encourages independent monitoring frameworks to take into account the human rights-based approach to indicators developed by the Office of the United Nations High Commissioner for Human Rights.

40. The Committee encourages independent monitoring frameworks, in carrying out their monitoring activities, to take into account:

(a) The recommendations made by the Committee in its concluding observations and its Views on communications, which are regularly compiled and summarized in biennial reports to the General Assembly and the Economic and Social Council;

(b) When available, the recommendations contained in reports on inquiries carried out by the Committee;

(c) The Committee's general comments and guidelines related to the provisions of the Convention;

(d) The guidelines on the simplified reporting procedure, which reflect the developments of the jurisprudence of the Committee and take stock of efforts made by the United Nations and at the regional level to develop baselines, indicators and benchmarks for measuring implementation of the Convention.

41. The above-mentioned tools can be used by monitoring frameworks to, inter alia, design and implement monitoring plans, to assess the extent to which State party legislation, policies and programmes are consistent with the Convention and to carry out advocacy, awareness-raising and capacity-building efforts.

42. The Committee encourages the Office of the United Nations High Commissioner for Human Rights, in cooperation with independent monitoring frameworks, national human rights institutions and their global and regional networks, to develop and maintain a database on international, regional and national good practices for the development of indicators and benchmarks for measuring implementation of the Convention.